

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION

Hus Hari Buljic individually and as  
Administrator of the Estate of Sedika  
Buljic, Honario Garcia individually  
and as Administrator of the Estate of  
Reberiano Leno Garcia, and Arturo de  
Jesus Hernandez and Miguel Angel  
Hernandez as Co-Administrators of  
the Estate of Jose Luis Ayala, Jr.,

Plaintiffs,

vs.

Tyson Foods, Inc., Tyson Fresh Meats,  
Inc., John H. Tyson, Noel W. White,  
Dean Banks, Stephen R. Stouffer, Tom  
Brower, Mary A. Oleksiuk, Elizabeth  
Croston, Tom Hart, Hamdija Be-  
ganovic, James Cook, Ramiz Muheljic,  
Gustavo Cabarea, Pum Pisng, Alex  
Buff, Walter Cifuentes, Muwi  
Hlawnceu, Cody Brustkern, Mark  
Smith, and John/Jane Does 1-10,

Defendants.

CASE NO. 6:20-cv-02055

**NOTICE OF SERVICE OF NOTICE  
OF ASSIGNMENT TO UNITED  
STATES MAGISTRATE**

Defendants Tyson Foods, Inc., and Tyson Fresh Meats, Inc. give notice that on August 6, 2020 a copy of the Notice of Assignment to United States Magistrate received from the United States District Court for the Northern District of Iowa was served on counsel of record for Plaintiffs via email and US Mail.

/s/ Kevin J. Driscoll  
Kevin J. Driscoll AT0002245  
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ATTORNEYS FOR DEFENDANTS  
TYSON FOODS, INC. AND TYSON  
FRESH MEATS, INC.

Original e-filed.

Copy to:

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#### ATTORNEYS FOR PLAINTIFFS

##### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon one of the attorneys of record for all parties to the above-entitled cause by serving the same on such attorney at his/her respective address/fax number as disclosed by the pleadings of record herein, on the 6<sup>th</sup> of August, 2020 by:

U.S. Mail                            FAX  
Hand Delivered                    UPS  
Federal Express                    Electronic Filing  
E-mail \_\_\_\_\_

/s/ Leah Swanson

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

**HUS HARI BULJIC, Individually and  
as Administrator of the Estate of Sedika  
Buljic, et al,**

**Plaintiff(s),**  
vs.  
**TYSON FOODS, INC., et al,**  
**Defendant(s).**

**Case Number: 6:20-cv-2055-KEM**

**NOTICE OF ASSIGNMENT TO  
UNITED STATES MAGISTRATE  
JUDGE**

**1. Introduction.** This civil action has been randomly assigned to a Magistrate Judge for all purposes, including conducting trial and deciding any dispositive motions that may arise. In accordance with 28 U.S.C. § 636(c) and when all parties consent, the Magistrate Judges of this District have been designated to conduct any and all proceedings in a civil case, including hearing and deciding dispositive motions and presiding over trial, whether by jury or not. The Magistrate Judges have further been designated, in accordance with 28 U.S.C. § 636(c), to enter final judgment in consent cases. The Magistrate Judges of this district may only exercise these powers upon consent of all parties. In such cases, an appeal from a judgment entered by a Magistrate Judge of this District may be taken directly to the United States Court of Appeals for the Eighth Circuit in the same manner as an appeal from any other judgment of a district court.

**2. Purpose.** The objective of Administrative Order 17-AO-0015P is to maximize the judicial resources within the Northern District of Iowa by recognizing the full extent of Magistrate Judge jurisdiction under 28 U.S.C. § 636 in civil cases to “secure the just, speedy, and inexpensive determination of every action and proceeding” consistent with Rule 1 of the Federal Rules of Civil Procedure. Because District Judges are responsible for presiding over felony criminal matters, the trial dockets of Magistrate Judges are generally less crowded. Thus, Magistrate Judges may be able to provide earlier

and more firm trial dates resulting in efficient use of resources for both the litigants and the judiciary. Administrative Order 17-AO-0015P also recognizes the high quality of Magistrate Judges chosen to serve in the Northern District of Iowa, as reflected by their appointment following a highly competitive and thorough merit selection process.

**3. Options.** Currently a Magistrate Judge is assigned to your case. However, you have the following options:

**a. Consent to the Assigned Magistrate Judge.** This case cannot remain as a Magistrate Judge consent case unless all parties unanimously consent. As such, this is an issue that the parties should address at or before the time they confer to discuss the proposed scheduling order and discovery plan. If all parties consent to keeping the currently assigned Magistrate Judge, then they should execute and file a joint notice of consent (a form for which is located on the Court's website). The parties must then file the joint consent form prior to or in conjunction with the deadline for filing a proposed scheduling order and discovery plan, or within two weeks of the filing of a dispositive motion, whichever is earlier.

**b. Have the Case Randomly Reassigned to a District Judge.** Each party has the absolute right to refuse to consent to proceed before the Magistrate Judge. There are two procedures through which this case may be reassigned to a District Judge:

**i. Upon Request.** You or your attorney may contact the Clerk of Court for the Northern District of Iowa and make a request for reassignment to a District Judge prior to the deadline for submitting a proposed scheduling order and discovery plan with the Court. If that deadline is extended by any judicially granted extension, the request for reassignment to a District Judge must be made by the conclusion of the judicially granted extension.

**ii. Lack of Unanimous Consent.** Reassignment to a District Judge will occur automatically if the parties do not file a joint consent form, demonstrating their unanimous consent to proceed before the Magistrate Judge, by the deadline for submitting a proposed scheduling order and discovery plan with the Court. If that deadline

is extended by any judicially granted extension, the joint consent form must be filed by the conclusion of the judicially granted extension.

**4. Additional Parties.** If the existing parties consent to the Magistrate Judge but additional parties are later added to this suit, the Clerk of Court will deliver this document to the additional parties. An additional party will have twenty-one (21) days after its deadline for filing a responsive pleading to file a written consent to proceed with the Magistrate Judge. If any additional party fails to file a written consent within that deadline or contacts the Clerk of Court before the expiration of that deadline to request reassignment to a District Judge, then this case will be randomly reassigned to a District Judge.

**5. Procedures for Reassignment.** If the case is randomly reassigned to a District Judge, you will not have the opportunity to learn which District Judge your case will be assigned to prior the reassignment. If the case is reassigned to a District Judge and the parties later decide to consent unanimously to proceed before a Magistrate Judge, they must obtain leave of court to do so. Such leave may or may not be granted at the sole discretion of the District Judge. If leave is granted, the case will be randomly reassigned to a Magistrate Judge, meaning it may or may not be reassigned to the same Magistrate Judge.

**6. Duty to Provide Notice.** The plaintiff (or if the case is removed to federal court, the removing party) must serve a copy of this notice and attachments immediately upon all other parties that have been served with the summons and complaint, pursuant to Federal Rule of Civil Procedure 4 and 5.

ROBERT L. PHELPS, CLERK OF COURT  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA



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(By) Paul A. Coberly, Deputy Clerk

UNITED STATES DISTRICT COURT  
for the  
Northern District of Iowa

Hus Hari Buljic, et al, \_\_\_\_\_ )  
Plaintiff \_\_\_\_\_ )  
v. \_\_\_\_\_ ) Civil Action No. 6:20-cv-2055-KEM  
Tyson Foods, Inc., et al, \_\_\_\_\_ )  
Defendant \_\_\_\_\_ )

**NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Printed names of parties and attorneys*

*Signatures of parties or attorneys*

*Dates*

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**Reference Order**

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

*District Judge's signature*

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*Printed name and title*

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.